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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/670,975	09/27/2000	Charles E. May	00-140	6488

24319 7590 09/09/2002

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[REDACTED] EXAMINER

FORD, JOHN K

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

3743

DATE MAILED: 09/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 3743

Applicant's election of Group I, claims 1-12, with traverse, is acknowledged. The assertion of no burden and co-extensive search is not persuasive. The restriction is made final (between inventions).

Applicant has also refused to elect a species on the basis that all of the claims 1-8 are generic in the sense that they claim numerous alternatives in a way that puts them under one "umbrella" claim with numerous alternative recitations.

Applicant has specifically pointed to page 10, line 9 - page 11, line 2 of the specification. Taking that as an example, the Examiner sees on page 10, lines 12-15 the following:

"Preferable this is accomplished by adjusting either the temperature of the thermal transfer media or the flow rate of the thermal transfer media or both." Clearly, in the aforementioned quote three different species are disclosed. Media flow rate can be controlled alone (first species). Media temperature can be controlled alone (second species). Media flow rate and media temperature can be controlled (third species).

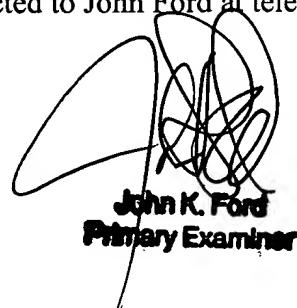
Likewise looking at claim 1, either media flow alone can be controlled, or media temperature alone or process energy alone can be controlled. These are the first third species found on page 3 of the previous office action. The fourth through seventh species on page 3 of the previous office action merely spell out all of the combinations and permutations that are being claimed in claim 1 and disclosed throughout the specification. If applicant doesn't think the Examiner's list of permutations is correct, he may advance a list of his own, however that does not relieve applicant from the obligation to pick one of the alternatives that is implicitly

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being claimed in claim 1 and are disclosed as alternative species in the specification. Applicant may at his option state that all of these species are obvious variants if he so wishes. Absent that he must elect one for prosecution even if he traverses the election of species requirement.

The reply filed on 5-6-02 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): see above (election requirement has not been responded to by a proper election of a species). See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication should be directed to John Ford at telephone number 308-2636.



John K. Ford
Primary Examiner

August 29, 2002

J. Ford/els